

February 25, 2021

Re. Heritage Resources Exemption for Categorical Exclusion (CE) decision to issue a special use permit (SUP) for two(2) roads/driveways on the Carson National Forest

To Whom It May Concern,

In accordance with *FIRST AMENDED PROGRAMMATIC AGREEMENT REGARDING HISTORIC PROPERTY PROTECTION AND RESPONSIBILITIES AMONG NEW MEXICO HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE REGION 3; APPENDIX A.II.A. (CONSULTATION REQUIREMENTS; Exemptions; Permits, easements, rights-of-way, and leases that do not authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties)*, the following Forest Service activities are exempt from further review and consultation as this class of undertaking has predictable effects and a very low likelihood of affecting historic properties.

This exemption is intended to address related National Environmental Policy Act (NEPA) analysis resulting in a CE decision to issue a SUP for use of the following roads/driveways, already in existence:

**1. Paul Simon Driveway**

Tres Piedras Ranger District  
.64 miles of driveway off of U.S. Highway 285  
Taos County, NM  
Sec. 15, T27N, R9E

The road is currently in use. This action would issue a new permit to the landowner for the use of a road to access private property. ***No additional road improvements or maintenance will occur without prior approval, as historic properties are present and mitigations are necessary for related permissions.***

Portions of this road and permit are also shared with the Tobey Scott Driveway and permit.

Additionally, a proposed segment of Paul Simon Driveway proposes new construction. National Historic Preservation Act (NHPA) Sec. 106 compliance for this new construction is not addressed by way of this exemption; rather new construction on the Paul Simon Driveway is addressed through a 'no sites/no properties' Inventory, Standards, and Accounting (ISA) form / Carson NF Report No. 2021-0302-05.

**2. Tobey Scott Driveway**

Tres Piedras Ranger District  
.48 miles of driveway off U.S. Highway 285  
Taos County, NM  
Sec. 14, T27N, R9E

The road is currently in use. This action would issue a new permit to the landowner for the use of a road to access private property. ***No additional road improvements or maintenance will occur without prior approval, as historic properties are present and mitigations are necessary for related permissions.***

Portions of this road and permit are also shared with the Paul Simon Driveway and permit.

In accordance with *FIRST AMENDED PROGRAMMATIC AGREEMENT REGARDING HISTORIC PROPERTY PROTECTION AND RESPONSIBILITIES AMONG NEW MEXICO HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE REGION 3; APPENDIX A.I.C. (CONSULTATION REQUIREMENTS; Undertakings Subject to Standard Consultation; Permits, easements and right-of-way grants that authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties)*, permit issuance that authorizes any ground disturbance (construction, reconstruction, maintenance, introduction of foreign materials, et al) will be pre-empted by archeological survey and subsequent NMSHPO consultation to posit an effects determination to historic properties and mitigate any potential effects, as necessary.

Respectfully,



**R. Heath Bailey**  
**Forest Archeologist / Heritage Program Manager**

**Forest Service**  
**Carson National Forest**

p 575 587 2255  
c 828 406 2149  
[robert.h.bailey@usda.gov](mailto:robert.h.bailey@usda.gov)

208 Cruz Alta Road  
Taos, NM 87571

**Caring for the land and serving people**